

REMARKS

Applicants first wish to thank the Examiner for reviewing the file in response to a telephonic request by Applicants' representative, Ms. Leber, and for the courteous and helpful input the Examiner provided to Ms. Leber via voicemail and during a telephone interview on August 20. During the telephone interview, Applicants' proposed reply was discussed. The Examiner indicated that the proposed amendments (which are made herein) would overcome the Romanko rejection, but asked that further argumentation be submitted regarding the Tidemann and Kenny references.

Claims 1, 7-9, 16-18, 22 and 25-27 have been rejected under 35 U.S.C. §102(b) as being anticipated by Romanko et al. (U.S. Patent 6,484,371).

As discussed with the Examiner, Applicants have amended the independent claims to recite thermoforming in a manner so that functional male fastener elements remain in the thermoformed portion. As noted in Applicants' previous response, the only mention of thermoforming in Romanko is at col. 11, line 10, where Romanko mentions that thermoforming may be used to render the hooks non-functional in the thermoformed area. This is consistent with Figs. 4a-4d, which show the thus thermoformed (or otherwise processed) fastener product as being completely planar, with one or more hook-free zones 67 where the hooks have been rendered non-functional. As a result, Romanko does not anticipate Applicants' claims as amended.

Claim 53 has been rejected as obvious in view of Romanko. Like claim 1, claim 53 has been amended to require thermoforming in a manner so that functional male fastener elements remain in the thermoformed portion. There is no suggestion in Romanko of forming fastener sheets to have non-planar topographies that include functional fastener elements, nor anything that would have led one of skill in the art to consider doing so, and thus the subject matter of claim 53 would not have been obvious in view of Romanko.

Claims 1-27 and 50-53 also remain rejected under 35 U.S.C. §103(a) as being obvious over Tidemann et al. (U.S. Patent No. 5,738,816) in view of Kenny et al. (U.S. Patent No. 5,725,928). The amended claims are also patentable over this combination of references.

The Examiner contends, in the Advisory Action, that "when Tidemann and Kenny are taken together the combination teaches and suggests a sheet with stems/hooks integrally formed on the sheet by extrusion prior to the subsequent thermoforming step taught by Tidemann." Applicants respectfully submit that, even if the combination of Tidemann and Kenny would have suggested integrally forming stems or fastener elements on the thermoformed strip of Tidemann (which is not conceded), Applicants invention as now claimed would not be reached. There is no suggestion in either reference that thermoforming be performed in such a way that functional male fastener elements remain in the thermoformed portion. Any male fastener elements on Tidemann's strip portion 102 would be intended for engagement with corresponding loop fasteners on the edge of the cover 120. There would be no reason to maintain functionality of any male fastener elements in the thermoformed pockets 112, as these areas would not contact the cover 120 for engagement.

In view of the above, Applicants respectfully request that the rejections under 35 U.S.C. §§ 102(b) and 103(a) be withdrawn.

Please apply any charges or credits to deposit account 06-1050, referencing Attorney Docket No. 05918-320001.

Respectfully submitted,

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